

## **Issue – Forestry-Riparian Protections – Action Recommendation**

The State of Oregon does not have management measures on forestry lands that adequately protect riparian areas of medium, small and non-fish bearing streams, including intermittent streams, to ensure attainment of water quality standards and full beneficial use support.

### **Background/Summary**

- Since 1998, NOAA/EPA have found that Oregon does not have management measures on forestry lands that adequately protect riparian areas of medium, small and non-fish bearing streams. NOAA/EPA believe more recent studies continue to support this position.
- Oregon Department of Forestry and the Board of Forestry (BOF) also recognize that data from more recent studies show greater protections are needed for these streams, and, as such, have begun a riparian rule review process.
- If successful, the BOF's rule review process will result in greater riparian protections for medium and small fish bearing streams.
- Greater riparian protections for Type "N" streams are not being considered right now
- Opposition from the Forestry Industry is very strong. Opposition is trying to show that the State's water quality criterion, "Protecting Cold Water" (PCW) is wrong and needs to be changed.

### **Current Uncertainties with the BOF Riparian Rule Analysis**

- While ODF and the BOF are conducting a riparian rule analysis process, it is not certain that the BOF will vote for a rule change. Not all BOF members agree that a rule change is needed.
- It is not certain what additional protections would be adopted or where the protections would apply if rules are adopted
- It has been mentioned that the riparian rule process analysis will be done by the end of the year, but there is no certainty this will occur. Past BOF rule adoption processes have taken longer than anticipated.

# **Ex. 5 - Deliberative**

**Ex. 5 - Deliberative**

**Ex. 5 - Deliberative**

**Ex. 5 - Deliberative**

Staff Recommendation **Ex. 5 - Deliberative**

## **Ex. 5 - Deliberative**

**Note:** NOAA/EPA may change the scope of the decision if the BOF establishes rules to provide better protections for M&S fish bearing streams before NOAA/EPA issue its final decision. However, NOAA/EPA will still find that State's CNPCP does not contain management measures that adequately protect riparian areas of non-fish bearing streams.

## Issue – Forestry--Riparian Protections – Action Recommendation

The State of Oregon does not have management measures on forestry lands that adequately protect riparian areas of medium, small and non-fish bearing streams, including intermittent streams, to ensure attainment of water quality standards and full beneficial use support.

### Background/Summary

- Since 1998, NOAA/EPA have found that Oregon does not have management measures on forestry lands that adequately protect riparian areas of medium, small and non-fish bearing streams. NOAA/EPA believe more recent studies continue to support this position.
- Oregon Department of Forestry and the Board of Forestry (BOF) also recognize that data from more recent studies show greater protections are needed for these streams, and, as such, have begun a riparian rule review process.
- If successful, the BOF's rule review process will result in greater riparian protections for medium and small fish bearing streams.
- Greater riparian protections for Type "N" streams are not being considered right now
- Opposition from the Forestry Industry is very strong. Opposition is trying to show that the States's water quality criterion, "Protecting Cold Water" (PCW) is wrong and needs to be changed.

### Current Uncertainties with the BOF Riparian Rule Analysis

- While ODF and the BOF are conducting a riparian rule analysis process, it is not certain that the BOF will vote for a rule change. Not all BOF members agree that a rule change is needed.
- It is not certain what additional protections would be adopted or where the protections would apply if rules are adopted
- It has been mentioned that the riparian rule process analysis will be done by the end of the year, but there is no certainty this will occur. Past BOF rule adoption processes have taken longer than anticipated.

# Ex. 5 - Deliberative

**Ex. 5 - Deliberative**

**Ex. 5 - Deliberative**

**Ex. 5 - Deliberative**

Formatted: Underline

Staff Recommendation – **Ex. 5 - Deliberative**

## **Ex. 5 - Deliberative**

Note: NOAA/EPA may change the scope of the decision if the BOF establishes rules to provide better protections for M&S fish bearing streams before NOAA/EPA issue its final decision. However, NOAA/EPA will still find that State's CNPCP does not contain management measures that adequately protect riparian areas of non-fish bearing streams.